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January 30, 2017

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York NY 10007

MEMO ENDORSED

Re: Robert Jones v. Bloomberg, et al., 14 Civ. 6402 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants Detective Jose Criollo, Detective James Meehan, Police Officer Steven Mikonlanda, Lieutenant Felix Rivera, Detective Adam Sager, and Detective Gregory Thornton in the above-referenced matter. Defendants write respectfully to provide the Court with a status update as to IA Log No. 98-15144.

On December 15, 2016, after review of the comprehensive disciplinary histories of all of the defendants, the Court ordered that defendants produce five disciplinary files for *in camera* inspection. On January 20, 2017, defendants produced to the Court four of the five files for *in camera* inspection. Additionally, on that same date, defendants requested a two week enlargement of time, until January 30, 2017, to update the Court on the status of IA Log No. 98-15144.

Unfortunately, the New York Police Department cannot provide any documents regarding IA Log No. 98-15144. This is because, upon information and belief, all of the files for incidents that occurred prior to 2003 that were investigated by Patrol Borough Manhattan South Investigation Unit, the investigations unit that investigated IA Log No. 98-15144, were destroyed during a flood. Accordingly, this office is not able to provide the Court with any file related to IA Log No. 98-15144, nor can this office definitively state whether a file was ever created for IA Log No. 98-15144.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Maria Fernanda DeCastro
Assistant Corporation Counsel

cc: BY FIRST-CLASS MAIL
Robert Jones
#141-15-02468
Otis Bantum Corr. Center
1600 Hazen Street
E. Elmhurst, NY 11370

The Court is in receipt of this letter and the disciplinary files produced for the Court's *ex parte* review. The Court has conducted a thorough review of the produced files. Mindful of Federal Rule of Civil Procedure 26(b)(1), the Court does not find that these disciplinary records are within the scope of discovery in this case. Defendants do not need to produce the files to Plaintiff, and the Court will file its copies of the files under seal.

The schedule previously set for the briefing of the parties' contemplated summary judgment motions is therefore unaltered: Plaintiff may have until February 24, 2017 to file his contemplated Motion for Summary Judgment. Defendants may have until March 27, 2017, to file their Motion for Summary Judgment and Opposition to Plaintiff's Motion. Plaintiff's reply is due by April 26, 2017, and Defendant's reply by May 17, 2017.

SO ORDERED.



Dated: January 31, 2017
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

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1600 Hazen Street
E. Elmhurst, NY 11370